

224292

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

E I. DUPONT DE NEMOURS AND COMPANY)	
)	
Complainant,)	
)	
v)	Docket No NOR 42112
)	
CSX TRANSPORTATION, INC)	
)	
Defendant)	

**MOTION TO WITHDRAW
PETITION FOR INJUNCTIVE RELIEF**

Complainant, E I du Pont de Nemours and Company ("DuPont"), has filed an Amended Complaint in the above-captioned proceeding that challenges the reasonableness of the rates charged by the defendant, CSX Transportation, Inc ("CSXT"), over 99 traffic lanes identified in Appendices A and B to the Complaint. On December 2, 2008, DuPont also filed a "Petition for Injunctive Relief" that requested an order from the Surface Transportation Board ("Board") enjoining CSXT from charging the common carrier tariff rates scheduled to become effective on December 1, 2008 for three of the 99 rail movements covered by the Complaint, pending a final decision by the Board on the reasonableness of the challenged rates. CSXT replied in opposition to the Petition on December 17, 2008.

The parties have reached a private agreement with respect to the subject matter of the Petition for Injunctive Relief, and therefore DuPont hereby requests leave to withdraw its Petition, without prejudice to resubmitting a petition at a later date

Respectfully submitted,



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January 6, 2009

CERTIFICATE OF SERVICE

I hereby certify that this 6th day of January, 2009, I served a copy of the foregoing Motion to Withdraw Petition for Injunctive Relief by hand delivery upon counsel for Defendant at the following address

G Paul Moates
Paul A Hemmersbaugh
Sidley Austin LLP
1501 K Street, NW
Washington, D C 20005

A handwritten signature in black ink, appearing to read 'Jeffrey O. Moreno', is written over a horizontal line.

Jeffrey O Moreno